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16 NOV 2009

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In re Application of
CADEE et al. : DECISION ON
Application No.:10/590,591 :
PCT No.: PCT/EP2004/001849 :
Int. Filing Date: 24 February 2004 : PETITION
Attorney Docket No.: 0470-062554 :
For: ANTIMICROBIAL LACTOFERRIN : UNDER 37 CFR 1.182
COMPOSITIONS FOR SURFACES,
CAVITIES, AND FOODSTUFF :
:

This decision is in response to applicants' "PETITION TO CORRECT PRIORITY DATA AND FILING RECEIPT" filed 27 May 2009 requesting a correction of the Domestic Data Priority to refer to "PCT/EP2004/001849", which has been properly treated as a petition under 37 CFR 1.182. The deficiency in the requisite \$400.00 petition fee will be charged to Deposit Account No. 23-0650.

BACKGROUND

On 24 August 2006, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*: the requisite basic national fee as required by 35 U.S.C. 371(c)(1).

On 03 September 2008, applicants filed an oath as required by 35 U.S.C. 371(c)(4).

On 27 May 2009, applicants filed the instant petition under 37 CFR 1.182.

DISCUSSION

The submission filed 24 August 2006 included a Transmittal Letter. The international application number listed was "PCT/NL2004/001849". The cover sheet for the copy of the published International Application and the copy of the International Search Report filed the same day indicate the international application number as "PCT/EP2004/001849".

A review of the application file including applicant's statements in the instant submission reveals that the indication of international application PCT/NL2004/001849 was incorrect, and that the present

application should in fact be the national stage application of international application PCT/EP2004/001849. Applicant's explanation for the error is accepted.

CONCLUSION

For the reasons set forth above, the applicants' petition under 37 CFR 1.182 **GRANTED**.

The NOTICE OF ACCEPTANCE and the FILING RECEIPT mailed 15 September 2008 are hereby **VACATED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for processing in accordance with this decision, that is for: (1) correcting PALM to indicate that the above-identified application is the national stage entry of PCT/EP2004/001849 rather than PCT/NL2004/001849; and (2) mailing a new NOTICE OF ACCEPTANCE OF THE APPLICATION UNDER 35 U.S.C. 371 and Filing Receipt indicating the international application as PCT/EP2004/001849.

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